



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1241

voting equipment; ballots; receipt

Purpose

Requires the Arizona Department of Transportation (ADOT) to provide a person with a form to cancel the person's registration in another state when the person is applying to vote in Arizona. Requires a county recorder to submit the ballot affidavit and related materials of an early voter that has not corrected or confirmed the voter's signature to the county attorney or Attorney General (AG) for possible investigation. Outlines requirements for chain of custody documentation of election equipment and ballots. Requires a paper receipt to be issued to a voter at the time the voter's ballot is received for tabulation. Classifies, as a class 2 misdemeanor, violating statutory requirements relating to proceedings at a counting center or requirements relating to the chain of custody and access to tabulation equipment, removable external devices and removable data storage devices.

Background

Every person who applies for a driver license or renewal must be allowed to register to vote at the same time and place if the person is otherwise qualified to register to vote. An applicant is presumed to be properly registered to vote on completion of a registration form that meets statutory requirements and on receipt of the form by the county recorder. The Director of ADOT and the Secretary of State (SOS) must consult at least every two years regarding voter registration at driver license offices ([A.R.S. § 16-112](#)).

On receipt of an envelope containing an early ballot and ballot affidavit, a county recorder or other officer in charge of elections must compare the signatures with the signature of the elector on the elector's voter registration record. If the signature is inconsistent with the elector's signature on their registration record, the county recorder or other officer in charge of elections must make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the signature ([A.R.S. § 16-550](#)).

An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment must provide facilities for voting for candidates at both primary and general elections. The vote tabulating equipment must reject choices recorded on the elector's ballot if the number of choices exceeds the number that the elector is entitled to vote for the office or on the measure. An electronic voting system must prevent the elector from voting for the same person more than once for the same office ([A.R.S. § 16-446](#)). A county recorder or other officer in charge of elections must maintain records that record the chain of custody of all election equipment and ballots at counting centers during early voting through the completion of provisional voting tabulation ([A.R.S. § 16-621](#)). Additionally, the Elections Procedures Manual outlines requirements for chain of custody documentation and security of certain election

equipment, including the physical security of electronic voting systems, early ballots received by ballot retrieval boards and accessible voting devices ([Elections Procedures Manual](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Cancellation of Out-Of-State Voter Registration

1. Requires ADOT, in addition to allowing a qualified person to register to vote when applying for a driver license or renewal, to provide a person who was previously registered to vote in another state with a form for canceling the person's previous voter registration from the other state.
2. Requires the form for canceling a person's previous voter registration in another state to include the person's previous address in another state and direct the chief state election officer in the other state to cancel the person's voter registration.
3. Requires ADOT to forward the person's form for voter registration cancellation to the chief state election officer of the state for which the person is cancelling their voter registration.
4. Requires the rules adopted by ADOT and the SOS regarding the voter registration system for driver license applicants to provide for transmitting completed forms for canceling voter registrations to the chief election officer of the state identified in the voter cancellation form.

Inconsistent Early Ballot Affidavit Signatures

5. Requires a county recorder, after the expiration of the period to correct or confirm an inconsistent signature on an early ballot affidavit, to submit the voter contact information, a copy of the early ballot envelope and a copy of the voter's signature from the voter registration rolls of an early voter that has not corrected or confirmed the voter's signature to the county attorney or the AG for possible investigation.
6. Requires a county recorder, on request of the county attorney or AG and if the county's ballot affidavit is separate from the early ballot envelope, to provide a ballot affidavit and related materials of an early voter.
7. Requires, by February 1 of each year, a county recorder to report the number of referrals to the county attorney and the AG and to submit the report to the President of the Senate, the Speaker of the House of Representatives and the Governor.
8. Requires a county recorder to provide a copy of the inconsistent signature report to the SOS.

Elections Equipment and Chain of Custody Documentation

9. Requires all election tabulation results to remain in the United States and prohibits tabulation results from being transferred, transmitted or stored in any other country.

10. Requires an electronic voting system, for any voting location that uses on-site ballot tabulating equipment and on request of the voter, to provide a paper receipt to be issued to the voter by the electronic voting system or an election board worker at the time the voter's ballot is received for tabulation.
11. Requires the paper receipt provided to a voter to state whether the voter's ballot will be tabulated at the voting location or securely stored until the polls close and then transmitted to a central counting place for tabulation.
12. Specifies that the requirement that a paper receipt be provided to a voter does not apply to a voter who votes with an early or provisional ballot.
13. Prohibits a person from accessing any area where servers or hard drives that contain election-related data are stored, unless the person is pre-approved by or directly supervised by a county recorder or other officer in charge of elections.
14. Prohibits any tabulation equipment that is used in a polling place or voting center from having internet or remote access at any time, including before, during or after an election.
15. Prohibits external devices that allow for internet, wi-fi or remote access from being connected to any tabulation equipment that is used in a polling place or voting center at any time, including before, during or after an election.
16. Requires the delivery, use and return of any equipment, removable external devices and removable data storage devices used to tabulate or store election data, including ballot images and adjudicated ballot images, and any copies of the removable external devices and removal data storage devices to be logged on a chain of custody document.
17. Requires the chain of custody document to record and retain the name and signature of every person who does any of the following as an official election record:
 - a) delivers, receives, uses and returns the equipment, removable external device or removable data storage device;
 - b) connects a removable external device or removable data storage device; or
 - c) secures the equipment, removable external device or removal data storage device during election day.
18. Requires all removable storage devices to be secured with a tamper-evident seal that contains a unique serial number that is recorded and confirmed on a chain of custody document.
19. Classifies, as a class 2 misdemeanor, violating the certain requirements relating to access to tabulation equipment and external devices, chain of custody documentation of election equipment, providing reasonable views to observers at counting centers and security of removable data storage devices.
20. Requires all data storage devices that are used to account for an original ballot and the digital duplicate of the ballot to be logged on a chain of custody document.

21. Requires a county recorder or other officer in charge of elections to record the chain of custody of all removable data storage devices, hard drives and servers during early voting through the completion of provisional voting tabulation
22. Requires irregular ballots to be preserved for 24 months for elections for federal office and 6 months for all other elections, rather than for 6 months in all elections.
23. Removes the ability of the officer or board in charge of preserving irregular ballots to dispose of the irregular ballots at their discretion.
24. Asserts that Arizona statute prevails in any conflict between the Elections Procedures Manual and Arizona statute.

Political Party Observers

25. Requires an approved observer from a political party that is present at a counting center once counting begins to be allowed to have a reasonable view of the connection and removal of any removable external device, removable data storage device or computer screen until the election data is officially recorded or the removable device is stored securely and a reasonable view of the proceedings at the counting center to the fullest extent possible.
26. Defines *reasonable view* as a view from a distance that does not impede or interfere with the performance of the election worker's duties and that does not allow the disclosure of the sensitive data or information.
27. Requires an approved observer from a political party to be allowed to view a data storage device while the device is not securely locked and stored.
28. Allows the officer in charge of elections to establish security procedures for the observation of each tabulating process and allows the procedures to include limiting the number of observers in each room and prohibiting observers from restricted areas and official county vehicles.

Miscellaneous

29. Classifies, as a class 2 misdemeanor, violating statutory requirements for the proceedings at a counting center.
30. Requires all persons who are engaged in processing and counting of ballots at a counting center to sign a sworn statement or affidavit when being deputized in writing.
31. Requires each member of a duplication board, at the completion of the duplicate ballots, to sign a duplication log attesting that to the best of the member's ability the duplicate copy is a true duplicate copy of the original ballot.
32. Requires the manual counting of ballots, if it becomes impracticable to count all or a part of ballots with tabulating equipment, to exactly follow provisions governing the counting of paper ballots, rather than to follow the provisions governing the counting of paper ballots as far as practicable.

33. Makes technical and conforming changes.

34. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

1. Requires ADOT to provide a person who was previously registered to vote in another state with a form for canceling the person's previous voter registration from the other state.
2. Outlines information that must be included on the voter registration cancellation form.
3. Requires ADOT to forward the person's form for voter registration cancellation to the chief state election officer of the state for which the person is cancelling their voter registration.
4. Requires the rules adopted by ADOT and the SOS regarding the voter registration system for driver license applicants to provide for transmitting completed forms for canceling voter registrations to the chief election officer of the state identified in the voter cancellation form.
5. Requires a county recorder, after the expiration of the period to correct or confirm an inconsistent signature on an early ballot affidavit, to submit the ballot affidavit and related materials of an early voter that has not corrected or confirmed the voter's signature to the county attorney or the AG for possible investigation.
6. Requires, by February 1 of each year, a county recorder to report the number of referrals to the county attorney and AG and to submit the report to the President of the Senate, the Speaker of the House of Representatives and the Governor and provide a copy to the SOS.
7. Asserts that Arizona statute prevails in any conflict between the Elections and Procedures Manual and Arizona statute.
8. Requires all election tabulation results to remain in the United States and prohibits tabulation results from being transferred, transmitted or stored in any other country.
9. Allows the paper receipt issued to a voter to be issued by either the electronic voting system or an election board worker, rather than only be the electronic voting system.
10. Removes the requirement that the paper receipt state if a ballot was rejected and the reason for any rejection and instead requires the paper receipt to state whether the ballot will be tabulated at the voting location or securely stored until the polls close and then transmitted to a central counting place.
11. Prohibits a person from accessing any area where servers or hard drives that contain election-related data are stored, unless the person is pre-approved by or directly supervised by a county recorder or other officer in charge of elections.
12. Prohibits any tabulation equipment that is used in a polling place or voting center from having internet or remote access at any time, including before, during or after an election.

13. Prohibits external devices that allow for internet, wi-fi or remote access from being connected to any tabulation equipment that is used in a polling place or voting center at any time, including before, during or after an election.
14. Requires the delivery, use and return of any equipment, removable external devices and removable data storage devices used to tabulate or store election data, including ballot images and adjudicated ballot images, and any copies of the removable external devices and removal data storage devices to be logged on a chain of custody document.
15. Requires the chain of custody document to record and retain the name and signature of every person who does any of the following as an official election record:
 - a) delivers, receives, uses and returns the equipment, removable external device or removable data storage device;
 - b) connects a removable external device or removable data storage device; or
 - c) secures the equipment, removable external device or removal data storage device during election day.
16. Requires all removable storage devices to be secured with a tamper-evident seal that contains a unique serial number that is recorded and confirmed on a chain of custody document.
17. Requires all data storage devices that are used to account for an original ballot and the digital duplicate of the ballot to be logged on a chain of custody document.
18. Requires a county recorder or other officer in charge of elections to record the chain of custody of all removable data storage devices, hard drives and servers during early voting through the completion of provisional voting tabulation
19. Requires irregular ballots to be preserved for 24 months for elections for federal office and 6 months for all other elections, rather than for 6 months in all elections.
20. Removes the ability of the officer or board in charge of preserving irregular ballots to dispose of the irregular ballots at their discretion.
21. Requires an approved observer from a political party that is present at a counting center to be allowed to have a reasonable view of the connection and removal of any removable external device, removable data storage device or computer screen until the election data is officially recorded or the removable device is stored securely.
22. Defines *reasonable view* as a view from a distance that does not impede or interfere with the performance of the election worker's duties and that does not allow the disclosure of the sensitive data or information.
23. Requires an approved observer from a political party to be allowed to view a data storage device while the device is not securely locked and stored.
24. Requires all persons who are engaged in processing and counting of ballots at a counting center to sign a sworn statement or affidavit when being deputized in writing.

25. Requires each member of a duplication board, at the completion of the duplicate ballots, to sign a duplication log attesting that to the best of the member's ability the duplicate copy is a true duplicate copy of the original ballot.
26. Requires the manual counting of ballots, if it becomes impracticable to count all or a part of ballots with tabulating equipment, to exactly follow provisions governing the counting of paper ballots, rather than to follow the provisions governing the counting of paper ballots as far as practicable.
27. Makes technical and conforming changes.

Senate Action

GOV	2/08/21	DP	5-2-1-0
3 rd Read	3/03/21		16-14-0

House Action

GE	3/25/21	DPA	7-6-0-0
3 rd Read	6/21/21		31-29-0

Prepared by Senate Research

June 21, 2021

MH/HF/gs